

**BOONE COUNTY  
BOARD OF ZONING APPEALS**

<b>A. Petition Number:</b>	16CE-14-133
<b>B. Applicant:</b>	Mark and Joyce Richardson
<b>C. Identification Number:</b>	006-02810-00
<b>D. Location:</b>	The subject property is located at 7753 West County Road 150 South, Jamestown, IN 46147. The subject property contains 2 acres located in the Jones Minor Residential Subdivision Plat.
<b>E. Parcel History:</b>	<b>2 Development Standard Variance Requests:</b> This is the first time the subject Variance requests has appeared before the Boone County Board of Zoning Appeals.
<b>F. Land Use and Zoning:</b>	<u>Present Zoning</u> The present zoning classification of the subject property is General Agricultural Zoning District (AG).
<b>G. Action Requested:</b>	<b><u>Development Standard Variance Requests-Agricultural Buffer</u></b>  <b>Variance Request 1-40' Agricultural Buffer on West Property Line</b> The applicant seeks to place an accessory structure to stand 20' from the west property line, as opposed to the Ordinance Requirement of 40' feet.  <b>Variance Request 2- 40' Agricultural Buffer on South Property Line</b> The applicant seeks to place an accessory structure to stand 20' from the south property line, as opposed to the Ordinance Requirement of 40' feet.  <b>Boone County Zoning Ordinance</b> <b>Table 9, Bufferyard Requirements</b> Agricultural Buffer=40' Feet
<b>H. Soils:</b>	<u>Boone County Soil and Water Conservation District</u>  <u>Treaty</u> Poorly drained soil with a seasonal high water table. Slow permeability. Responds well to tile drainage.
<b>I. Utilities:</b>	<u>Septic and Well Facilities</u>
<b>J. Technical Advisory Committee Comments:</b>	<b>Technical Advisory Committee Meeting</b> A TAC meeting was held on August 31, 2016 to review the subject Development Standard Variance(s). The comments of the TAC committee are found below:  <b>Boone County Health Department:</b> Since there are no changes to the septic systems, specifically, no additional bathrooms or sinks facilities will be added, therefore, the Health Department has no comments.

**Applicant:** 16JE-14-133

**Date:** September 28, 2016 BZA Meeting

**Petition:** Development Standard Variances

**K. Statutory Review Criteria  
for Development Standard  
Variance:**

**Boone County Surveyor:** In the event, the Variance(s) would be approved, the applicant will be required to apply for the drainage permit.

**Boone County Highway Department:** The subject property is located on a County Road 150 South with an existing point of ingress/egress, therefore, the County Highway Department has no issues or concerns.

**Evaluation Criteria:** In accordance with IC 36-7-4-918.5, the following standards shall apply for evaluating variances:

**Variance Request 1-40' Agricultural Buffer on West Property Line**

The applicant seeks to place an accessory structure to stand 20' from the west property line, as opposed to the Ordinance Requirement of 40' feet.

**Evaluation Standard-1**

**The variance will not be injurious to the public health, safety, morals, and general welfare of the community.**

**Staff Comments:**

The proposed variance does not impair the public health, safety, morals, and general welfare of the community.

**Evaluation Standard-2**

**The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.**

**Staff Comments:**

The proposed accessory structure is located in a rural residential area consisting of adjacent properties with residential dwellings with associated accessory structures (pole barns). The proposed accessory structure is a consistent use in the Agricultural Zoning District. Therefore, the use nor the value of the adjacent properties will not be impaired due to the fact, the proposed accessory structure will adhere to the Ordinance standards for all property development setbacks and applicable building codes.

**Evaluation Standard -3**

**The strict application of the terms of the Ordinance will continue the usual and unnecessary hardship as applied to the property for which the variance is sought because...**

**Staff Comments**

The applicant has stated the unnecessary hardship for the placement of the new accessory structure in the southwest corner of the property is based on the existing layout and configuration of infrastructure on the property. As demonstrated the point of ingress/egress on County Road 150 South is located at the western edge of the property and is intended to be further extended from the existing position to provide access to the requested barn. Additionally, there is an existing pool and septic system located to the direct south of the primary structure (house) which precludes the allowance the new barn with such close proximity to the existing facilities.

**Variance Request 2- 40' Agricultural Buffer on South Property Line**

The applicant seeks to place an accessory structure to stand 20' from the south property line, as opposed to the Ordinance Requirement of 40' feet.

**Evaluation Standard-1**

**The variance will not be injurious to the public health, safety, morals, and general welfare of the community.**

**Staff Comments:**

The proposed variance does not impair the public health, safety, morals, and general welfare of the community.

**Evaluation Standard-2**

**The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.**

**Staff Comments:**

The proposed accessory structure is located in a rural residential area consisting of adjacent properties with residential dwellings with associated accessory structures (pole barns). The proposed accessory structure is a consistent use in the Agricultural Zoning District. Therefore, the use nor the value of the adjacent properties will not be impaired due to the fact, the proposed accessory structure will adhere to the Ordinance standards for all property development setbacks and applicable building codes.

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**Staff Comments**

The applicant has stated the unnecessary hardship for the placement of the new accessory structure in the southwest corner of the property is based on the existing layout and configuration of infrastructure on the property. As demonstrated the point of ingress/egress on County Road 150 South is located at the western edge of the property and is intended to be further extended from the existing position to provide access to the requested barn. Additionally, there is an existing pool and septic system located to the direct south of the primary structure (house) which precludes the allowance the new barn with such close proximity to the existing facilities.

**L. Staff Recommendation:**

In review of the requested Development Standard Variance requests, APC staff recommends approval based on the ability to adhere to the Statutory Criteria for the above mentioned reasons. APC staff recommends approval of the request Variances with the following condition:

- 1) The applicant must apply for the subsequent Improvement Location Permit (ILP) with the APC office.

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